

Notice of Allowability

Application No.

09/607,256

Examiner

Angel L. Casiano

Applicant(s)

BARTH ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment dated 18 March 2004.
2. ☒ The allowed claim(s) is/are 2,3,5-17, 19-28, 30, 31 and 33-82.
3. ☒ The drawings filed on 22 April 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

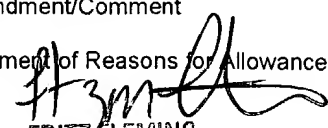
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


FRITZ FLEMING
PRIMARY EXAMINER
GROUP 2100

Response to Amendment

Allowable Subject Matter

1. Claims 2,3,5-17,19-28,30,31 and 33-82 are allowed.
2. The following is an examiner's statement of reasons for allowance:

Regarding claim 45, the cited art of record (Salgado) does not teach a *scheduling driver* (see previous Office action). As amended, the present claim recites a method including the steps of calling a scheduling driver, determining if a device is busy, and providing an estimated processing time. Regarding this method, it is not found in the prior art a method, that as recited in claim 45, further includes the step of *loading the scheduling driver into an operation system* such that applications are capable of generating I/O requests to the device. Claims 2-14 and 46-47 further limit claim 45 and are also allowable.

As for claim 48, Salgado does not teach a *scheduling driver* (see previous Office action). The amended claim recites a method including the steps of calling a scheduling driver, determining if a device is busy, and providing an estimated processing time. Regarding this method, it is not found in the prior art a method as recited in claim 48, which further includes the limitation of having a plurality of applications that *simultaneously* generate I/O requests for the device.

As per claim 49, the prior art does not teach a method (as included in claim 1) having the additional steps of specifying a *zero time interval* by the driver, sleeping for a timer tick interval, thereby *yielding a time slice* by the application and switching the CPU to a next application.

As per claim 50, the cited art of record (Salgado) does not teach a *scheduling driver* (see previous Office action). As amended, the present claim recites a method including the steps of

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calling a scheduling driver, determining if a device is busy, and providing an estimated processing time. Regarding this method, it is not found in the prior art a method that as recited in claim 50, further specifies not polling, thus *allowing critical execution sections to be exited quickly*.

The remaining independent claims (43-44, 51-53, and 56-58, as amended) were indicated as containing allowable subject matter in previous Office action. Since these claims are now independent, they are also allowable.

Independent claim 15 has been amended to include similar limitations as in claim 43, which were indicated as allowable subject matter in previous Office action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel L. Casiano whose telephone number is 703-305-8301. The examiner can normally be reached on 9:30-6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

alc
04 June 2004



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